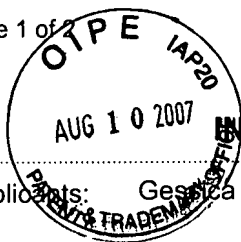


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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gesztica Filocamo et al.

Serial No. 10/586,701

Art Unit: To be assigned

Filed: July 20, 2006

Examiner: To be assignedFor: INHIBITORS OF MAMMALIAN HDAC 11 USEFUL FOR  
TREATING HDAC 11 MEDIATED DISORDERSCommissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**By Barbara Muller Date 8-8-07

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| RELATED APPLICATION |             |            |
|---------------------|-------------|------------|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE |
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If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Vineet Kohli

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 37,003

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3889

Date: August 8, 2007

**STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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of

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**Application Number**

10/586,701

**Filing Date**

July 20, 2006

**First Named Inventor**

Gessica Filocamo

Group Art Unit

To be assigned

Examiner Name

To be assigned

Attorney Docket Number

ITR0064YP

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| Examiner Initials* | Cite No. | Foreign Patent Document |                |                         | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY |
|--------------------|----------|-------------------------|----------------|-------------------------|---|---|
|                    |          | Office                  | Number         | Kind Code<br>(if known) |   |   |
|                    |          |                         | WO 84/03564    |                         | Commonwealth Serum Laboratories                 | 09/13/1984  |
|                    |          |                         | JP 7196686     |                         | Takeda Chemical Industries Ltd.                 | 08/01/1995  |
|                    |          |                         | WO 2004/094636 |                         | Galapagos Genomics N.V.                         | 11/04/2004  |
|                    |          |                         | WO 03/068961   |                         | Axordia Limited                                 | 08/21/2003  |
|                    |          |                         |                |                         |   |   |
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|   |   |    | Application Number       | 10/586,701             |           |
|   |   |    | Filing Date              | July 20, 2006          |           |
|   |   |    | First Named Inventor     | Gessica Filocamo       |           |
|   |   |    | Group Art Unit           | To be assigned         |           |
|   |   |    | Examiner Name            | To be assigned         |           |
| Sheet   | 2 | of | 6                        | Attorney Docket Number | ITR0064YP |

| NON PATENT LITERATURE DOCUMENTS |          |  |
|---------------------------------|----------|--|
| Examiner Initials*              | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|                                 |          | Workman, J. L. and A. R. Buchman, Trends. Biochem. Sci., 18:90-95 (1993)                           |
|                                 |          | Beato, M., J. Mol. Med., 74:711-724 (1996)   |
|                                 |          | Ura, K. et al., EMBO J., 16:2096-2107 (1997)   |
|                                 |          | Perry, M. and R. Chalkley, J. Biol. Chem., 257:7336-7347 (1982)                                    |
|                                 |          | Grunstein, Nature, 389:349-352 (1997)  |
|                                 |          | Pazin et al., Cell, 89:325-328 (1997)  |
|                                 |          | Minucci et al., Molecular Cell, 5:811-820 (2000)   |
|                                 |          | Amann et al., Mol. Cell Biol., 21:6470-6483 (2001)   |
|                                 |          | Bereshchenko et al., Nature Genetics, 32(4): 606-613 (2002)  |
|                                 |          | Varambally et al., Nature 419: 624-629 (2002)  |
|                                 |          | Kleer et al., Proc. Natl. Acad. Sci. (PNAS), 100:11606-11611 (2003)                                |
|                                 |          | Marks, P. A. et al., Current Opinion in Oncology, 13(6):477-483 (2001)                             |
|                                 |          | Coffey, D. C., et al., Cancer Research 61(9):3591-3594 (2001)                                      |
|                                 |          | Butler, L. M. et al., Clinical Cancer Research 7(4):962-970 (2001)                                 |
|                                 |          | Komatsu, Y. et al., Cancer Research, 61(11):4459-4466 (2001)                                       |

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|   |   |    | First Named Inventor     | Gessica Filocamo       |           |
|   |   |    | Group Art Unit           | To be assigned         |           |
|   |   |    | Examiner Name            | To be assigned         |           |
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| NON PATENT LITERATURE DOCUMENTS |          |  |
|---------------------------------|----------|--|
| Examiner Initials*              | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|                                 |          | Remiszewski, S. W., Current Medicinal Chemistry, 10(22):2393-2402 (2003)                           |
|                                 |          | Plumb et al., Molecular Cancer Therapeutics, 2:721-728 (2003)                                      |
|                                 |          | Yoshida et al., Current Medicinal Chemistry 10(22):2351-2358 (2003)                                |
|                                 |          | Saito et al., Proc. Natl. Acad. Sci. (PNAS), 96:4592-4597 (1999)                                   |
|                                 |          | Kraker et al., Molecular Cancer Therapeutics, 2:401-408 (2003)                                     |
|                                 |          | Grozinger et al., Proc. Natl. Acad. Sci. (PNAS), 96:4868-4873 (1999)                               |
|                                 |          | Marks et al., Journal of the National Cancer Institute, 92(15):1210-1216 (2000)                    |
|                                 |          | Suzuki et al., Journal of Medicinal Chemistry, 42(15):3001-3003 (1999)                             |
|                                 |          | Richon et al., Proc. Natl. Acad. Sci. (PNAS), 95:3003-3007 (1998)                                  |
|                                 |          | Wade P. A., Human Molecular Genetics, 10(7):693-698 (2001)   |
|                                 |          | Wharton et al., Journal of Biological Chemistry, 275(43):33981-33987 (2000)                        |
|                                 |          | Huang et al. Molecular Medicine, 6(10):849-866 (2000)  |
|                                 |          | Sandor et al., Clinical Cancer Research, 8(3):718-728 (2002)                                       |
|                                 |          | Choo et al., Nature, 372:642-645 (1994)  |
|                                 |          | James et al., Blood, 91(2):371-382 (1998)  |

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|   |   |    | Examiner Name            | To be assigned         |           |
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| NON PATENT LITERATURE DOCUMENTS |          |  |
|---------------------------------|----------|--|
| Examiner Initials*              | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|                                 |          | Bernstein et al., Nature, 409:363-366 (2001)   |
|                                 |          | Hutvagner et al., Science, 293:834-838 (2001)  |
|                                 |          | Elbashir et al., Genes & Development, 15:188-200 (2001)  |
|                                 |          | Gil et al., Apoptosis, 5(2):107-114 (2000)   |
|                                 |          | Elbashir et al., Nature, 411:494-498 (2001)  |
|                                 |          | Caplen et al. Proc. Natl. Acad. Sci. (PNAS), 98(17):9742-9747 (2001)                               |
|                                 |          | Paddison et al., Proc. Natl. Acad. Sci. (PNAS) 99(3):1443-1448 (2002)                              |
|                                 |          | Sui et al., Proc. Natl. Acad. Sci. (PNAS) 99(8):5515-5520 (2002)                                   |
|                                 |          | Brummelkamp et al., Science, 296:550-553 (2002)  |
|                                 |          | Hubbell et al., Proc. Natl. Acad. Sci. USA, 88:906 (1991)  |
|                                 |          | Levy et al., Proc. Natl. Acad. Sci. (PNAS), 62:357-361 (1969)                                      |
|                                 |          | Zeleznick et al., Proc. Soc. Exp. Biol. Med. 130:126-128 (1969)                                    |
|                                 |          | Gelboin et al., Science, 167:205-207 (1970)  |
|                                 |          | Paul et al., Nature Biotechnology, 20:505-508 (2002)   |
|                                 |          | Miyagishi et al., Nature Biotechnology, 19:497-500 (2002)  |

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|---------------------------------|----------|--|
| Examiner Initials*              | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|                                 |          | Lee et al., Nature Biotechnology 19:500-505 (2002)   |
|                                 |          | Novina et al., Nature Medicine, 8(7):681-686 (2002)  |
|                                 |          | Cohen, JS, Oligodeoxynucleotides, Antisense Inhibitors of Gene Expression, CRC Press, 1989 (Book)  |
|                                 |          | Iyer et al., Journal of Organic Chemistry, 55(15):4693-4698 (1990)                                 |
|                                 |          | Partridge et al., Antisense and Nucleic Acid Drug Development, 6:169-175 (1996)                    |
|                                 |          | Couture et al., Trends in Genetics, 12(12):510-515 (1996)  |
|                                 |          | Alers et al., Labatory Investigation, 77(5):437-448 (1997)   |
|                                 |          | Isaacs et al., Cancer Surveys, 23:19-32 (1995)   |
|                                 |          | Richardson et al., Trends in Biotechnology, 13:306-310 (1995)                                      |
|                                 |          | Landry et al., Proc. Natl. Acad. Sci (PNAS), 97(11):5807-5811 (2000)                               |
|                                 |          | Salmon et al., Molecular Diversity, 2:57-63 (1996)   |
|                                 |          | Vigushin et al., Clinical Cancer Research, 7(4):971-976 (2001)                                     |
|                                 |          | Itazaki et al., The Journal of Antibiotics, 43(12):1524-1532 (1990)                                |
|                                 |          | LoRusso et al., Investigational New Drugs ,14(4):349-356 (1996)                                    |
|                                 |          | Richon et al., Blood Cells, Molecules and Diseases, 27(1):260-264 (2001)                           |

|                    |  |                 |  |
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| NON PATENT LITERATURE DOCUMENTS |          |  |
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| Examiner Initials*              | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|                                 |          | Liesch et al., Tetrahedron, 38(1):45-48 (1982)   |
|                                 |          | Closse et al., Helvetica Chimica Acta 57:533-545 (1974)  |
|                                 |          | Hirota et al., Agri. Biol. Chem. 37(4):955-956 (1973)  |
|                                 |          | Umehara et al., The Journal of Antibiotics, 36(5):478-483 (1983)                                   |
|                                 |          | Kwon et al., The Journal of Biological Chemistry, 277(3):2073-2080 (2002)                          |
|                                 |          | Remiszewski SW, Current Medicinal Chemistry, 10(22):2393-2402 (2003)                               |
|                                 |          | Yoshida et al., Current Medicinal Chemistry, 10(22):2351-2358 (2003)                               |
|                                 |          | Shibayama et al., The Journal of Urology, 146(4):1136-1137 (1991)                                  |
|                                 |          | Beecken et al., Urology, 56(3):521-526 (2000)  |
|                                 |          | Gao et al., The Journal of Biological Chemistry, 277(28):25748-25755 (2002)                        |
|                                 |          | Kramer et al., Trends in Endocrinology and Metabolism, 12(7):294-300 (2001)                        |
|                                 |          | Arenz et al., Die Naturwissenschaften, 90(8):345-359 (2003)  |
|                                 |          | Achenbach et al., Chembiochem: A European Journal of Chemical Biology, 4(10):928-935 (2003)        |
|                                 |          | Lu et al., Current Opinion in Molecular Therapeutics, 5(3):225-234 (2003)                          |
|                                 |          | Kittler et al., Seminars in Cancer Biology, 13(4):259-265 (2003)                                   |

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